

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAY L. THOMAS,

Petitioner,

v.

DR. NOIR PRATHIA, et al.,

Respondents.

Civil Action No. 17-9013 (CCC)

MEMORANDUM ORDER

CECCHI, District Judge:

This matter comes before the Court on a Petition for a Writ of Habeas Corpus filed by Petitioner Jay L. Thomas pursuant to 28 U.S.C. § 2241. At this time, the Court must screen the Petition in accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b). Having conducted such a screening, the Court dismisses the Petition.

In the Petition, Petitioner alleges that his constitutional rights have been violated because he has been denied (1) access to legal materials, free postage, and telephone privileges; (2) the right to travel; (3) access to personal property; and (4) adequate medical treatment. None of these challenges his current custody. Federal habeas relief lies only upon challenges to the fact or duration of a petitioner's confinement, and when the relief he seeks is immediate or speedier release from imprisonment. *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973). If a petitioner is "attacking something other than the fact or length of his confinement, and he is seeking something other than immediate or more speedy release . . . habeas corpus is not an appropriate or available federal remedy," and the attack should "be brought under the Civil Rights Act in federal court."

Id. at 494. Because the Petition does not challenge Petitioner's current confinement, the Petition is dismissed. Petitioner's outstanding motions, ECF No. 17 & 18, are also dismissed as moot.

IT IS therefore on this 31 day of May, 2018,

ORDERED that the Clerk shall **REOPEN** the case by making a new and separate docket entry reading "CIVIL CASE REOPENED"; it is further

ORDERED that the Petition, ECF No. 1, is hereby **DISMISSED**; it is further

ORDERED that Petitioner's outstanding motions, ECF Nos. 17 & 18, are hereby **DISMISSED** as moot; and it is further

ORDERED that the Clerk shall serve this Order upon Petitioner by regular mail, and shall **CLOSE** the file.



Claire C. Cecchi
United States District Judge